



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER
GOVERNOR

Certified Mail: 7003 1680 0000 6698

September 18, 2008

Mr. Bruce Sarazin, Director
Yolo County Environmental Health
137 Cottonwood Street
Woodland, California 95695

Dear Mr. Sarazin:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, Office of the State Fire Marshal, Department of Toxic Substances Control, and the State Water Resources Control Board] conducted a program evaluation of the Yolo County Environmental Health Certified Unified Program Agency (CUPA) on August 19 and 20, 2008. The evaluation was comprised of an in-office program review, and field oversight inspections, by State evaluators. The evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of preliminary corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that Yolo County Environmental Health's program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA that depict your agency's progress towards correcting the identified deficiencies. Please submit your Deficiency Status Reports to Kareem Taylor every 90 days after the evaluation date. The first deficiency progress report is due on November 18, 2008.

Cal/EPA also noted during this evaluation that Yolo County Environmental Health has worked to bring about a number of local program innovations, including a system that automatically produces enforcement and reminder letters for mailing to facilities. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

[Original Signed by Don Johnsonn]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc/Sent via email:

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Supervising Hazardous Materials Specialist
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Mr. Bruce Sarazin
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CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Enclosure



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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: Yolo County Environmental Health

Evaluation Date: August 19 and 20, 2008

EVALUATION TEAM

Cal/EPA: Kareem Taylor
SWRCB: Marci Christofferson
OES: Jeff Tkach
DTSC: Mark Pear
OSFM: Francis Mateo

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Kareem Taylor at (916) 327-9557.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	The CUPA does not review its Inspection and Enforcement (I and E) plan annually. CCR, Title 27, Section 15200 (b) (Cal/EPA)	By February 20, 2009, the CUPA will review its I and E plan and update it as needed. Along with the second progress report, submit the updated I and E plan to Cal/EPA.
2	CUPA has not reviewed their Area Plan (2001) within the last 36 months and made any necessary changes. This is a carry over deficiency from the CUPA's previous evaluation in 2006. HSC, Chapter 6.95, Section 25503 (c) (OES)	By August 20, 2009, the CUPA will conduct a complete review of their Area Plan and make any necessary changes. Upon completion of the review the CUPA will submit their Area Plan to the State OES for review.
3	CUPA has not performed an annual CalARP self audit in compliance with Title 19. CCR, Title 19, Section 2780.5 (OES)	By November 20, 2008, the CUPA will perform a self audit of their CalARP program which is in compliance with Title 19, Section 2780.5. By November 20, 2008, the CUPA will submit its CalARP audit to Cal/EPA. The CUPA has the option to include the CalARP self audit elements into their Title 27 self audit.

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4	<p>The CUPA has not maintained the state mandated triennial inspection frequencies for CalARP facilities. Of the 12 CalARP facilities in the CUPA's jurisdiction, all but 2 have been inspected within the last 3 years.</p> <p>CCR, Title 19, Section 2775.3 (OES)</p>	<p>By February 20, 2009, the CUPA will perform inspections on the 2 remaining CalARP facilities. The state mandated inspection frequency for CalARP facilities will be met when the CUPA completes the 2 inspections.</p>
5	<p>The CUPA is not requiring the facility owners/operators to complete the amended UST forms A, B, and D. The CUPA only requires the forms to be changed if the forms are absent in the file. Some of the plot plans in the files reviewed were absent or did not have all of the required information. Since the new forms gather new information that is required to be collected, it is important for the new forms to be completed when they are amended in regulation. The UST forms are required to be submitted for initial permits and renewal permits and when information changes. The new forms can be provided to facility owners/operators during their annual inspections.</p> <p>HSC, Chapter 6.7, Section 25286 (a) CCR, Title 23, Section 2711 (a) (SWRCB)</p>	<p>By September 1, 2009, the CUPA will require all facility owners/operators to complete new UST forms A, B, and D (including plot plans).</p>
6	<p>During the Hazardous Waste Generator oversight inspection, DTSC found that the CUPA inspector was not familiar with the requirements under HSC 25200.3.1 for laboratories.</p> <p>HSC, Chapter 6.5, Section 25200.3.1 (DTSC)</p>	<p>The deficiency was corrected before the end of the inspection.</p>

CUPA Representative

Bruce Sarazin

 (Print Name)

Original Signed

 (Signature)

Evaluation Team Leader

Kareem Taylor

 (Print Name)

Original Signed

 (Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

1. **Observation:** During the file review, evaluators noted that some of the CUPA's inspection reports did not classify violations as Class 1, Class 2, or minor. Some of the inspection reports contained check boxes next to the checklist items to be marked if there was a violation cited. All checklist items contained violation codes that are tracked for each facility in the Envision database.

Recommendation: Cal/EPA recommends that the CUPA modify its inspection reports so that violations for all UP elements are classified as Class 1, Class 2, or minor. This modification will make all of the program element inspection reports consistent with the intent of the Violation Classification guidance. Also, the CUPA will need to record the violation classification data in order to complete the Annual Summary Reports each year.

2. **Observation:** From 2006 through 2008, the CUPA has lost the equivalent of nearly 2 FTE positions and cannot backfill the positions due to lack of adequate funding from CUPA fees, and hiring freeze policies. The deficiencies noted above may be the direct result of inadequate fee support and workload issues.

Recommendation: In order for the program to be implemented efficiently, Cal/EPA recommends that the CUPA increase its fees so that it can hire more staff to implement of the UP.

3. **Observation:** The CUPA's administrative procedures were adequate; however, some of the references to Title 27 were incorrect. Example: In the information management procedure, the CUPA cited Title 27, Section 15250 (a) (5) in regard to retention of certain CUPA records, but the correct citation is Title 27, Section 15185 (c).

Recommendation: Cal/EPA recommends that the CUPA review its administrative procedures and the amended Title 27 regulations so that the regulatory references in the procedures can be corrected.

4. **Observation:** The business plan forms being provided for public use on the CUPA's website are old versions (1/99) of the Unified Program Consolidated Forms (UPCFs).

Recommendation: The CUPA can now download and use the latest versions (12/2007) of the UPCFs from the Cal/EPA website.

5. **Observation:** The CUPA has an Memorandum of Understanding with West Sacramento Fire Department to be a Participating Agency which is responsible for conducting inspection at facilities in West Sacramento that are regulated solely under the Hazardous Materials Business Plan (HMBP) program. Because of staffing issues at West Sacramento Fire, inspections were not being maintained at the state mandated frequencies. The CUPA proceeded to help its PA complete the inspections. West Sacramento Fire has recently hired staff to conduct HMBP inspections in West Sacramento.

Recommendation: The CUPA should conduct joint inspections with West Sacramento Fire to help ensure that not only are the inspections being conducted, but that the inspections are also being conducted correctly and in compliance with all state laws and regulations.

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6. **Observation:** Significant Operational Compliance (SOC) is not tracked per inspection, but, by reviewing inspection reports to determine status prior to preparing the report (Report 6)

Recommendation: The SWRCB recommends that the status be determined at the end of each inspection and results put in database, or excel spreadsheet for easy retrieval.

7. **Observation:** The local ordinance does not refer to compliance with Chapter 6.75 of the Health and Safety Code or Title 23, Division 3, Chapter 18.”

Recommendation: The SWRCB recommends that this reference be added during the next ordinance revision to the appropriate sections of County Code.

8. **Observation:** The inspection checklist and report procedure is relatively basic and can be improved. The CUPA is in the process of revising their inspection checklist to show release detection and release prevention (SOC) criteria, and to add other inspection elements to the checklist.

Recommendation: The SWRCB would like to assist the CUPA in developing a new checklist to help identify SOC criteria, and recommends that they add a comments page, and separate NOV (Notice of Violations)/NTC (Notice to Comply) pages in order to distinguish minor from non-minor violations. It appears that the CUPA’s current NOV/NTC form treats all violations as minor, and does not allow for an inspector to enter an alternative timeframe to correct more serious violations. The SWRCB recommends that the current NOV/NTC be used for minor violations, and a separate NOV be used for other than minor violations, which allows for different time frames for correction. The SWRCB can provide guidance on this.

9. **Observation:** The CUPA has improved the frequency of its inspections with regard to its Inspection and Enforcement Plan and with the inspection of other program elements. The CUPA has inspected 691 hazardous waste generators that have been identified by the CUPA. The last three annual inspection summary reports indicate the following:

- 589 hazardous waste generators were identified in Fiscal Year (FY) 04/05 of which 186 were inspected,
- 638 hazardous waste generators were identified in FY 05/06 of which 247 were inspected, and
- 800 hazardous waste generators were identified in FY 06/07 of which 258 were inspected.

The CUPA has inspected 86% of all of its known facilities generating hazardous waste over the past three FYs. Improvement has been made since the last evaluation in implementing the hazardous waste program where the previous completion rate had been 76%.

Recommendation: Please address the remaining difference of approximately 213 facilities between what the CUPA has reported in its latest inspection summary report for FY 06/07, which is 800 facilities, and the total number of businesses manifesting off hazardous waste with active EPA ID numbers listed in the DTSC’s Hazardous Waste Tracking System, which is 1013 facilities. In addition, one instance was found

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where Woodland Motors located at 1680 East Main Street in Woodland, CA was last inspected on January 25, 2005.

10. Observation: The CUPA was able to demonstrate that all complaints which were referred by DTSC from August 06, 2005 to August 06, 2008 were investigated. Follow-up documentation could be found for Complaint Numbers 07-0507-0234, 06-0406-0194, 08-0108-0030, 08-0308-0157, 07-0607-0341, 07-0907-0474, 07-07-0107-0018, 07-0307-0140, 08-0508-0347, 07-1207-0695, 07-1207-0695, 08-0608-0427 and 06-0506-0256.

Recommendation: Please continue with your prompt response and investigation of all complaints.

11. Observation: E & LP Truck Repair provided documentation to the CUPA of having returned back to compliance from its May 30, 2006 inspection; however, the facility owner failed to sign and date the Return to Compliance form.

Recommendation: Double check all RTC's for completeness before scanning these documents into SIRE.

12. Observation: The inspection reports lack a developed description of a facility's operation and/or manufacturing processes occurring on site.

Recommendation: The inspector should develop the observation section of the report in order to describe more fully the facility operations occurring on site so that anyone unacquainted with the facility who may read the report may gain a better appreciation and understanding of the services provided and the industrial processes occurring at the facility.

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA uses SIRE Document Management System for storing scanned facility documents. Documents can be downloaded in tif or pdf format. The CUPA has a computer terminal designated for the public to use to access facility information. The user interface is easy to understand and documents are kept up-to-date by CUPA staff. Confidential documents such as site maps are not stored in SIRE, but kept in separate, hardcopy facility files.
2. The CUPA recently purchased SIRE Publisher (an add-on to SIRE) which will allow them to index facility information on CDs. Emergency responder will be able to search the indexed information more easily. One option the CUPA is exploring is SIRE Publisher's workflow query function. A workflow query can be created to query the database for specific facility information and automatically send reminders/updates to staff, fire agencies, or regulated facilities.
3. The CUPA actively coordinates, provides guidance and support with fire departments in the county. Yolo County CUPA, UC Davis and Yolo County fire agencies all respond together when an emergency incident is within their shared jurisdictions. Additionally, the CUPA provides support to areas of Solano County.
4. The CUPA uses an automated letter system through Envision that produces NOV enforcement and reminder letters to facilities that have not complied with financial responsibility, SB 989 testing, and annual maintenance testing.
5. The Yolo County Department of Environmental Health settled a number of administrative enforcement cases:
 - The Yolo County Department of Environmental Health settled an administrative enforcement action against Guidance Investment Corporation for \$40,000, because of the following violations noted at the facility:
 - The facility did not have a business\contingency plan on-site,
 - The facility did not have an active EPA Identification Number for storing and disposing of hazardous waste,
 - The facility had an unpermitted storage area for hazardous waste,
 - The facility failed to inspect its hazardous waste storage area weekly to look for open waste drums, labeling, and leaking, or deteriorated containers,
 - The facility failed to properly label a hazardous waste solvent bottle, and
 - The facility failed to operate a business in a way to minimize a fire or explosion.
 - The Yolo County Department of Environmental Health settled an administrative enforcement action against UC Davis for \$500, because the facility had held hazardous waste onsite for longer than the applicable satellite accumulation time of one year.
 - The Yolo County Department of Environmental Health settled an administrative enforcement order against UPS Freight for \$20,000, because the facility had failed to submit an updated Hazardous Materials Inventory or a certification statement on an annual basis.

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- The Yolo County Department of Environmental Health settled an administrative enforcement order against Russell Cleaners for \$1,000, because the facility had illegally disposed of hazardous waste by abandoning and leaving behind one 30-gallon steel drum approximately ¼ full of waste dry cleaning fluid, another 30-gallon steel drum with approximately one gallon of waste dry cleaning fluid, and lastly approximately 85-gallons of Exxon DF 20000 dry cleaning fluid in the dry cleaning machine.
- The Yolo County Department of Environmental Health settled an administrative enforcement order against Chevron for \$2,000, because the facility had a liquid sensor in an unleaded fill sump, which was raised six to ten inches from the lowest point of the sump. The facility had tampered with the UST monitoring system in such a manner causing it not to function as it was initial designed.
- The Yolo County Department of Environmental Health settled an administrative enforcement order against Arco for \$3,200, because the facility had failed to do the following:
 - To provide proof that there is a Designated Operator for an underground storage tank system,
 - To obtain a valid operating permit from the local regulatory agency,
 - To provide an annual monitoring system certification,
 - To establish and implement a Hazardous Materials Business Plan,
 - To implement an emergency response plan and procedures, a training program for applicable employees on safety procedures, and a log that records each employee's initial and annual refresher training.

6. The Yolo County Department of Environmental Health settled a dozen enforcement cases for facilities failing to submit their Hazardous Materials Businesses Plans by an “expedited settlement agreement” for penalties of \$500 each.